

In the Matter of:)
)
Application for Certification of) Docket No.
the Tesla Power Plant Project) 01-AFC-21
)

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

Robert Laurie, Presiding Member

HEARING OFFICER, ADVISORS PRESENT

Major Williams, Hearing Officer

Mignon Marks, Advisor to Commissioner Laurie

STAFF AND CONSULTANTS PRESENT

Jack Caswell, Project Manager

Darcie Houck, Staff Attorney

Tony Mediati

Mark Hamblin

Negar Vahidi

Brewster Birdsall

John S. Kessler

Aspen Environmental Group

Alvin Greenberg

Kristine Uhlman

Andrea Erichsen

John Dougherty, Senior Prehistoric Archeologist
PAR Environmental Services, Inc.

PUBLIC ADVISER

Roberta Mendonca

APPLICANT

Scott A. Galati, Attorney
Grattan and Galati

Scott A. Busa, Project Development Manager

Duane McCloud, Technical Manager

Darrell Grant, Vice President of Western Regional
Development
FPL Energy

APPLICANT

Dwight R. Mudry, Consulting Scientist
Foster Wheeler Environmental Corporation

INTERVENORS

Sky C. Stanfield, Legal Assistant
Adams, Broadwell, Joseph and Cardozo
representing California Unions for Reliable
Energy

Robert Sarvey

ALSO PRESENT

Barry Luboviski, Secretary-Treasurer
Building and Construction Trades Council of
Alameda County, AFL/CIO

Ena Aguirre

Chris Gray, Chief of Staff
County Supervisor Scott Haggerty

Adolph Martinelli
Community Development Agency

Barbara George
Womens Energy

Bill Dean, Planning Division
City of Tracy

Roy Cornwell

Clarence Hoenig

Jerry Nola

Irene Sundberg

Ed Gable

Lance Chun

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INFORMATIONAL HEARING

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1 P R O C E E D I N G S

2 3:35 p.m.

3 PRESIDING MEMBER LAURIE: Ladies and
4 gentlemen, good afternoon. My name is Robert
5 Laurie, a Commissioner at the California Energy
6 Commission. And in that capacity I am Presiding
7 Member of the two-member Committee that will be
8 hearing this case, and then making recommendations
9 to the full five-member Commission.

10 We will need a new appointment for the
11 second member because the previous second member
12 had his term run out last week and we have a new
13 member appointed, but that person has not, as yet,
14 been officially assigned to this case, but he soon
15 will be.

16 We want to take just a few moments to
17 make some introductions. And then we're going to
18 go on the site visit as soon as the vehicles are
19 available.

20 This afternoon, starting at 5:30 we'll
21 have an informational hearing for the purpose of
22 talking about the basic facts in the case.

23 There's not going to be any official testimony.

24 There's just going to be comment.

25 We're also going to talk about the

1 procedure that we're going to be following during
2 this case, to make sure that the public is very
3 familiar with the process that is going to be
4 followed.

5 To my left is Mr. Major Williams. Mr.
6 Williams is the Hearing Officer assigned to this
7 case. It's the role of the Hearing Officer to
8 really administer the case; it's the role of the
9 Hearing Officer to assist the Committee hearing
10 the case to develop their decision; and then to
11 help publish that decision.

12 To my right is my Advisor, Ms. Mignon
13 Marks. Ms. Marks will be generally accompanying
14 me during the course of this hearing process. And
15 you'll probably see her at workshops which I will
16 not be attending.

17 At this time let me ask for some
18 introductions, first from staff and then from the
19 applicant. Mr. Caswell.

20 MR. CASWELL: Yes, I'm Jack Caswell.
21 I'm the Project Manager for the Tesla Project at
22 the Energy Commission.

23 On my left is Staff Counsel, Darcie
24 Houck. She will be participating as a partnership
25 to make sure that all the legal issues are handled

1 correctly.

2 And I'd like to introduce some staff;
3 it's CEC Staff as well as contract staff that are
4 here at the Energy Commission. And we'll start
5 here from left to right as we go down the rows.
6 And if I could, I'll get Alvin to introduce
7 himself.

8 DR. GREENBERG: Dr. Alvin Greenberg; I
9 handle public health, hazardous materials, worker
10 safety and fire protection --

11 PRESIDING MEMBER LAURIE: This isn't
12 going to work because we're not picking you up on
13 tape.

14 So, Mr. Caswell, let me ask you, since
15 you have the recording microphone in front of you,
16 to either you provide the names, or ask the folks
17 to come up to the microphone.

18 MR. CASWELL: I'm not even sure I know
19 all the names of all the staff people assigned to
20 this project --

21 PRESIDING MEMBER LAURIE: Okay, great,
22 then the folks who are going to be making
23 introductions, use the microphone at the podium,
24 please.

25 MR. CASWELL: Go ahead.

1 DR. GREENBERG: I'm Dr. Alvin Greenberg.
2 I'm a consultant to the California Energy
3 Commission. I handle the subject areas of public
4 health, hazardous materials management, worker
5 safety, fire protection and waste management.

6 MR. CASWELL: Next.

7 MR. BIRDSALL: Hi, my name is Brewster
8 Birdsall. I'm a contractor for the Energy
9 Commission, helping out with air quality and a
10 little bit of visual plume.

11 MS. UHLMAN: Howdy, I'm Kristine Uhlman;
12 I'm a consultant to the Energy Commission in the
13 area of water and soils.

14 MR. MEDIATI: Tony Mediati, Energy
15 Commission, soil and water unit.

16 MR. KESSLER: Good afternoon, I'm John
17 Kessler; I'm a consultant to the Energy Commission
18 on water and soils.

19 MR. HAMBLIN: Good afternoon, my name is
20 Mark Hamblin; I'm with the land use unit at the
21 Energy Commission.

22 MS. ERICHSEN: My name is Andrea
23 Erichsen; I'm working on biological resources.

24 MR. DOUGHERTY: Hello, I'm John
25 Dougherty; I'm an archeologist; I'm a consultant

1 to the Energy Commission on cultural resources and
2 historical resources.

3 MR. CASWELL: When we come back from the
4 site visit if you have any questions about who
5 staff are, we'll be more than happy to have that
6 staff reintroduce themselves.

7 I know there's sometimes a little
8 difficulty here, or understand that the microphone
9 wasn't working.

10 And I want to thank the staff that
11 introduced themselves, because we have contract
12 staff that I have never put a face and a name
13 together with. Thank you.

14 PRESIDING MEMBER LAURIE: Okay. Thank
15 you. I also note that we do have an intervenor
16 present and we'll ask him to introduce himself, as
17 well.

18 At this time I'd like to have the
19 applicant introduce himself and the team, please.

20 MR. BUSA: Good afternoon, Commissioner.
21 My name is Scott Busa; I'm the Project Development
22 Manager for Midway Power, which is a subsidiary of
23 FPL Energy.

24 So you see both names in the
25 application, that's where that comes from.

1 To my left is Dwight Mudry with Foster
2 Wheeler Environmental. He is our lead -- their
3 firm was our lead application preparation firm
4 that has put together the application for
5 certification for the Commission.

6 To my right is Scott Galati of the
7 lawfirm Grattan and Galati. They are our lead CEC
8 counsel for the project.

9 And at the end of the table is Duane
10 McCloud. He is our Project Engineer with FPL
11 Energy.

12 We've got a couple other folks in the
13 audience, just to point out, Darrell, if you'd
14 stand up, Darrell Grant is our Vice President of
15 Western Region Development, here to kick off the
16 meeting for us today.

17 And we've got several other folks in the
18 audience, and if they are required later on, I'll
19 introduce them to answer any questions that we
20 have after the site visit.

21 PRESIDING MEMBER LAURIE: And we have an
22 intervenor present. Sir, could you identify
23 yourself, please.

24 MR. SARVEY: My name is Bob Sarvey; I'm
25 from Tracy, California. Thank you.

1 PRESIDING MEMBER LAURIE: That
2 microphone is not on.

3 (Off-the-record discussion.)

4 HEARING OFFICER WILLIAMS: If I might,
5 for purposes of the court reporter, to make it
6 easy on her, if you do have business cards, please
7 drop off a business card with our court reporter.
8 That will help us immensely in terms of getting
9 your name spelled correctly, and making sure
10 everyone --

11 PRESIDING MEMBER LAURIE: That
12 microphone is now on.

13 (Laughter.)

14 PRESIDING MEMBER LAURIE: Do we have any
15 other representatives of governmental agencies
16 present?

17 MS. STANFIELD: I'm Sky Stanfield here
18 for the California Unions for Reliable Energy.
19 We've applied for intervenor status.

20 PRESIDING MEMBER LAURIE: Could you say
21 it again, please?

22 MS. STANFIELD: My name is Sky
23 Stanfield; here for the California Unions for
24 Reliable Energy. I believe we've applied for
25 intervenor status.

1 PRESIDING MEMBER LAURIE: Okay, thank
2 you.

3 Okay, are there any questions as to what
4 we're going to do this afternoon?

5 Basically the applicant has provided
6 transportation. We're going to go out and look at
7 the site and probably walk around in the mud a
8 little bit. And then we'll come back and we'll
9 have our first informational meeting.

10 Most importantly I think is not so much
11 the facts that are going to be brought forth,
12 because there's going to be many opportunities to
13 do that.

14 Most importantly we're going to talk
15 about process. So that the public has a full
16 understanding as to what all the steps are going
17 to be. Okay?

18 Mr. Williams reminds me that I should be
19 asking Ms. Mendonca, our Public Adviser.

20 Roberta, will you come forward, please,
21 and introduce yourself and describe your
22 responsibilities, please.

23 MS. MENDONCA: Thank you very much,
24 Commissioner Laurie.

25 I'm Roberta Mendonca, the Energy

1 Commission Public Adviser. And it's kind of a
2 unique role, not many of you have had an
3 opportunity to meet a Public Adviser before.

4 But my job is strictly to be of service
5 to you and to deal with your questions about the
6 Energy Commission process.

7 Thank you.

8 PRESIDING MEMBER LAURIE: And all
9 contacts should be primarily through Ms.
10 Mendonca's office. And then her office can
11 forward them as may be appropriate. And she will
12 provide all appropriate contact information.

13 Folks, when do you expect your
14 transportation to be here? Twenty minutes ago?

15 MR. BUSA: Any minute now. We've got
16 about a mile away was the last report, so they
17 should just be getting off the interstate.

18 PRESIDING MEMBER LAURIE: Okay, now when
19 this happens with the airlines, they normally
20 break out the beer and the wine and the champagne
21 and --

22 (Laughter.)

23 MR. BUSA: There is a bar located at the
24 front of the lodge, and --

25 PRESIDING MEMBER LAURIE: Okay, I do not

1 want to start the informational hearing out of
2 time sequence, so we'll just adjourn the meeting
3 and wait for the transportation to get here.

4 Thank you very much.

5 (Whereupon, at 3:45 p.m., the meeting
6 was adjourned, to reconvene at 5:30
7 p.m., this same day.)

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1 P R O C E E D I N G S

2 5:30 p.m.

3 HEARING OFFICER WILLIAMS: Ladies and
4 gentlemen, if you could take your seats, please.
5 Thank you very much.

6 Let me take a moment, first with some
7 preliminary comments. This hearing is being
8 recorded, which means that the recorder is firmly
9 in charge of this meeting. And at anytime the
10 system breaks down we will stop. That is why it
11 is important that as you speak you come to the
12 podium and introduce yourselves and make sure you
13 get your name on the record, number one.

14 Number two, either staff or Ms. Mendonca
15 will be discussing with you something called the
16 ex parte rule, and just let me describe briefly
17 what that is.

18 From the time that the application was
19 deemed complete, probably even before that time, a
20 rule goes into effect that allows no communication
21 between any party and myself or my staff, and that
22 includes the Hearing Officer. Any communication
23 that comes to me will only come to me through a
24 public meeting process; or in writing by a
25 docketed document.

1 So, under no circumstance will I have
2 any private conversation regarding this project
3 with any individual that's a party or not a party.

4 The process that we're going to follow
5 this evening is as follows: We will do
6 introductions again because I believe there are
7 individuals here that were not present when we
8 convened the meeting at 3:30.

9 We will start off with a presentation --
10 following introductions we will start off with a
11 presentation from staff, who will discuss the
12 process to be followed during this entire hearing
13 process, not only tonight, but until the
14 completion of the hearing process.

15 I will then call upon Ms. Mendonca, the
16 Public Adviser, for an explanation of her role and
17 her responsibilities.

18 We will then call upon staff to make a
19 presentation of the project now. For those of you
20 that may be familiar with projects that are heard
21 at a local government level, like the city council
22 or board of supervisor level, as staff will
23 explain, our process is a little bit different, in
24 that it's a lot more formalized.

25 When we actually get to taking evidence

1 we'll have witnesses and we'll have formal
2 questions asked. And opportunities for additional
3 comment will be made at that time.

4 Tonight is really an informal
5 presentation. The comments that will be made will
6 not be given under oath. It is not evidence. It
7 is strictly comment, whether by applicant or staff
8 or by anybody else. It is an information meeting;
9 it is not an evidentiary meeting.

10 We will most certainly allow opportunity
11 for public comment. Now, during the period of
12 public comment you can comment as to anything you
13 desire to, provided it does not break any laws.

14 Some of you may have preformed opinions
15 as to whether you want the project or whether you
16 don't want the project. That's fine, you can say
17 that. I would just simply advise you that this is
18 really not the best time to comment as to whether
19 you like the project or whether you don't like the
20 project. Because the more opportune time for
21 those kinds of comments will be during the
22 evidentiary hearing.

23 We do want you to ask questions. There
24 will be numerous workshops between now and the
25 time that we start evidentiary hearings. And that

1 really is the best time to get into detailed
2 questions. But if you have specific questions on
3 any of the comments offered by staff, or by the
4 applicant, you're certainly free to ask such at
5 this time. And I will give plenty of opportunity
6 for you to ask those questions, or offer comment,
7 again, as you may desire.

8 So let me again go through a period of
9 self introductions. My name is Robert Laurie; I'm
10 a Commissioner, one of five Commissioners, at the
11 California Energy Commission. I am Presiding
12 Member of the Commission Committee assigned to
13 taking evidence and making a recommendation to the
14 full Commission on this case.

15 To my left is Mr. Major Williams. It is
16 his responsibility to assist in administering
17 these proceedings. He is, for all practical
18 purposes, staff to the Commission on this hearing.
19 He will assist me in administering these hearings,
20 as well as in preparing the written decision or
21 recommendation when we ultimately get to that
22 point.

23 To my right is Ms. Mignon Marks, who is
24 my Advisor, and who will also be assisting on this
25 project.

1 Now, under our rules there are two
2 Commissioners assigned to each case. Currently
3 there is not a second Commissioner assigned to
4 this case because our second Commissioner had his
5 term run out last week, and he has been replaced
6 on the Commission by a new Governor Davis
7 appointed Commissioner, but there has been no
8 formal appointment to this Committee as yet. I
9 expect there will be in the next couple of weeks.
10 There will be no harm done to this hearing
11 process.

12 For further introductions let me ask
13 staff briefly, I don't think you have to introduce
14 all of staff at this point except to the point
15 where they may choose to comment later, Jack. So
16 why don't you just introduce yourselves.

17 MR. CASWELL: My name is Jack Caswell.
18 I'm the Project Manager at the CEC for the Tesla
19 Power Project. To my left is Darcie Houck, and
20 she is staff attorney for this process, as well.
21 There are staff members in the audience this
22 evening, but we'll have them introduce themselves,
23 if needed, when questions are asked. Thanks.

24 PRESIDING MEMBER LAURIE: Thank you, Mr.
25 Caswell. Applicant, please.

1 MR. BUSA: Again, good evening. My name
2 is Scott Busa. I'm the Project Development
3 Manager with FPL Energy, Midway Power. To my left
4 is Dwight Mudry with Foster Wheeler Environmental.
5 They are lead environmental firm that helped in
6 preparing the application for certification.

7 To my right is Scott Galati from the
8 lawfirm of Grattan and Galati. He is advising us
9 as lead counsel to the CEC process. And to his
10 right is Duane McCloud, who is the Project
11 Engineer from FPL Energy on this project.

12 PRESIDING MEMBER LAURIE: Thank you, Mr.
13 Busa. Do we still have our intervenor present?

14 AUDIENCE SPEAKER: No. He went back to
15 Tracy.

16 PRESIDING MEMBER LAURIE: He did, okay,
17 thank you. Any other intervenors present? CURE?
18 Yes, please. By the way, Ms. Mendonca will
19 explain what an intervenor is when she makes her
20 presentation. Thank you.

21 MS. STANFIELD: I'm Sky Stanfield here
22 with the California Unions for Reliable Energy.

23 PRESIDING MEMBER LAURIE: Thank you.

24 At this time I'm going to ask staff to
25 make their presentation. Mr. Caswell, my

1 understanding is your presentation will deal
2 mostly with process, is that correct?

3 MR. CASWELL: Right.

4 PRESIDING MEMBER LAURIE: Thank you.
5 Before we do that, are there any questions in the
6 audience regarding what we're going to be talking
7 about tonight, and the process we're going to be
8 following tonight?

9 Okay, thank you.

10 Mr. Caswell.

11 MR. CASWELL: Maybe we can turn the
12 lights down here. This will be a short slide
13 presentation on our energy siting process. And it
14 will show some timeframes, targeted timeframes for
15 this process. It is a 12-month siting process.

16 The purpose of the siting process is to
17 insure that a reliable supply of electrical energy
18 is maintained at a level consistent with the need
19 for protection of public health and safety, for
20 the promotion of general welfare, and for the
21 environmental quality protection. And this is the
22 Public Resources Code 25001 that relates to this
23 authority.

24 The Energy Commission's role. The
25 Energy Commission is the permitting authority for

1 thermal power plants 50 megawatts or greater, and
2 related facilities, which we just took a tour on.
3 And those related facilities are transmission
4 lines, water supply lines, natural gas pipelines,
5 waste disposal facilities and access roads. And
6 it is not limited just to those. Any other
7 facilities that are needed for this process.

8 The California Energy Commission acts as
9 lead state agency for the California Environmental
10 Quality Act, CEQA.

11 Overview of our three-step licensing
12 process. Step one is data adequacy, which has
13 been completed. That is when the applicant
14 submits their application. We review that and
15 take a look at it for the minimum requirements to
16 be accepted and that usually takes a little while.

17 Again, like I said, that has happened,
18 and we are now in the discovery phase. This is
19 part two, the staff discovery and analysis. And
20 in that is data requests, workshops and staff
21 assessment. And I'll discuss each one of these
22 phases later on.

23 Third step is evidentiary hearings and
24 decision. And the Committee, which is comprised
25 of two members, hold evidentiary hearings. And

1 the Committee produces a PMPD, Presiding Member's
2 Proposed Decision on that.

3 And then that decision, the proposed
4 decision goes before the full five-member
5 Commission.

6 Here's a little graph or chart for the
7 California Energy Commission process. If you look
8 at the data adequacy, the AFC was submitted on
9 October 12, 2000. And that usually takes 45 to 60
10 days. I believe it was 60 days or very close to
11 that.

12 The AFC was accepted. And that becomes
13 day zero on that 12-month process. And, again,
14 this application was accepted within the 12-month
15 criteria.

16 For the next 125 days we're in what we
17 call the discovery phase. That's information
18 gathering. And we're gathering information from
19 other agencies, as well as the public, and the
20 applicant, to get as much information about the
21 environment as well as engineering issues about
22 this process.

23 The next, from the 125 to 220 days,
24 staff is writing their analysis based on this
25 information gathering period, this discovery

1 period.

2 From day 220 to 240 is set aside for
3 hearings. Now, as I describe these timeframes, I
4 want you to know that the time slides, based on
5 the need for more workshops or more information
6 gathering, or other situations that evolve that
7 we're unaware of at this time.

8 So these are just targeted timeframes so
9 that the Committee can manage their workload and
10 staff can manage their workload and try to fit it
11 into this 12-month criteria.

12 From day 240 to 365 is the decision
13 making process, where they make their -- write
14 their final decision. And they take that proposed
15 decision, may amend it, or put addendums to that,
16 and then come out with a final decision. And that
17 final decision is expected in around January 2003.

18 Let me talk about the staff discovery
19 and analysis process. If you notice in the middle
20 is the staff. And these are the people that we
21 interact with. We gather information from the
22 public, formal intervenors -- and several of them
23 have introduced themselves earlier -- the
24 applicant and local, state and federal agencies.

25 Meanwhile, the Public Adviser is

1 interacting with the public and those formal
2 intervenors.

3 Evidentiary hearing and decision
4 process. I want you to -- again, if you'll notice
5 the Committee and the full Commission, first the
6 Committee. They're interacting, again, with the
7 intervenor testimony, public comment. And now our
8 staff testimony.

9 Our staff testimony, staff assessment,
10 is independent of the Committee. We are a part of
11 this whole process just as the applicant is, the
12 public and other state and federal agencies,
13 providing information to the Committee so they can
14 make an informed decision.

15 And so I encourage you to provide
16 information in this process, not only to staff so
17 that our analysis can possibly reflect some of
18 your input or opinions or information that we're
19 unaware of at this time. And then again it shows
20 the local, state and federal agencies making
21 comment, again to the Committee so that they can
22 write their proposed decision. And then the full
23 Commission can make that decision.

24 Staff analysis of the AFC. The AFC is
25 the application for certification, which the

1 applicant filed. And what we do when we analyze
2 that is to determine if this proposal complies
3 with all the laws. LORS is the acronym we use,
4 laws, ordinances, regulations and standards.

5 We conduct engineering and environmental
6 analyses to identify issues, evaluate
7 alternatives, identify mitigation measures and
8 recommend conditions of certification in the
9 process. Facilitate public and agency
10 participation.

11 I'm going to have workshops, going to be
12 setting up workshops through this process that
13 notices will go out and if you want to be on our
14 mailing list, and if you signed up on that sheet,
15 and hopefully you got a hard copy of this. If you
16 haven't, you can get on the Energy Commission
17 webpage and contact me or Roberta Mendonca and ask
18 to be put on a mailing list for all notifications.

19 Staff produces a preliminary and final
20 staff assessment. These are those documents that
21 staff provide to the Committee at the end of our
22 part of our discovery process. And we do a
23 preliminary process staff assessment, and then we
24 have a workshop on that, to show you where we're
25 going, where the Energy Commission Staff's mind is

1 at, and where our analysis has taken us.

2 And that is kind of your last chance to
3 have input to the staff to say, you know, you've
4 got that wrong, or you know what, that's good, or
5 whatever you feel you need to do. You're invited
6 to come to these workshops and have input to staff
7 as well as federal and other state agencies to get
8 us kind of to tweak this final document before we
9 produce the final staff assessment.

10 And then we make a recommendation to the
11 Committee. And that recommendation is that final
12 staff assessment.

13 Local, state and federal coordination.
14 Staff works closely with local, state and federal
15 agencies, for example local, Alameda County, San
16 Joaquin County, Bay Area Air Quality Management
17 District, Livermore. We've contacted Tracy. So,
18 we're connecting with all the local communities in
19 the area.

20 State, examples are Department of Water
21 Resources, Air Resources Board and California
22 Department of Fish and Game, and it's not just
23 limited to that.

24 Federal, a couple examples are U.S. Fish
25 and Wildlife Service and U. S. Environmental

1 Protection Agency. Again, it's not just limited
2 to that, but these are examples of these agencies
3 that we interact with.

4 What happens after the FSA, final staff
5 assessment. The Committee issues its Presiding
6 Member's Proposed Decision. And in that Presiding
7 Member's Proposed Decision contains findings
8 related to environmental impacts, public health,
9 engineering, project compliance with LORS. It
10 recommends conditions of certification; it
11 recommends whether or not to improve the project.
12 It makes this recommendation to the full
13 Commission. The full Commission makes the
14 decision, but the Presiding Member's Proposed
15 Decision is that recommendation.

16 The CEC monitors compliance with all
17 conditions of certification for the life of the
18 project. And that's to include facility closure,
19 if and when that happens. There is always a point
20 in time when that happens.

21 The public process. This process is an
22 open public process for workshops and hearings.
23 And they're noticed 10 to 14 days in advance. And
24 this is a standard notification timeframe. And,
25 again, if you would like to be on a mailing list,

1 contact Roberta Mendonca. She'll make sure that
2 you get on that.

3 Documents are available for public
4 review at public libraries in Livermore and Tracy.
5 Also Sacramento, Los Angeles, San Francisco, San
6 Diego and Fresno and Eureka. The Energy
7 Commission Library also has a copy. And the
8 Energy Commission website. And there's the
9 address for that.

10 The dockets unit at the Energy
11 Commission also has copies, and you can contact
12 them and the information to get ahold of them,
13 there's the address. And, again, contact Roberta
14 if you have need to get ahold of these people.

15 Ways you may participate. Submit
16 written comments or statement to the Commission.
17 You can submit to the Commission or myself during
18 this process, comments about the process, the
19 project and anything. And it goes to that dockets
20 unit. And then it becomes evidence in this case,
21 official evidence. We'll docket your comments and
22 your input so that it can be resourced by others
23 in this process.

24 Provide oral comments at public
25 meetings. You're going to be able to make a few

1 comments on some issues today. Again, as
2 Commissioner Laurie mentioned, this really isn't
3 the best format for getting into the details of a
4 project because we're going to have evidentiary
5 hearings.

6 Also at these workshops, for you to make
7 comment on specific technical or engineering ideas
8 or issues that you may have, that's really the
9 format for you to do that in. And currently we're
10 scheduling a tentative date, it is not an official
11 date -- again, this skews one way or the other --
12 about a March 20th issue identification and data
13 response workshop.

14 And if you have picked up an issue
15 identification hard copy back at the table here,
16 on the very back page you'll see a proposed
17 schedule that we're submitting to the Committee
18 and making a recommendation that if they will
19 adopt that, to at least give us some targeted
20 dates for us to work with in this process.

21 And then become a formal intervenor.
22 Contact Ms. Mendonca. She will help you decide
23 whether or not you want to do that or not. It's a
24 significant higher level than just coming in here
25 and participating as a public member.

1 Provide written comments on the PSA and
2 FSA. And I just covered that.

3 Contacts for this project. Myself, and
4 here's my phone number and email. Major Williams,
5 the Commission's Hearing Officer, here's his phone
6 number and email. Roberta Mendonca, Public
7 Adviser, again her information.

8 And for the Tesla Power Project, Scott
9 Busa, who is Midway Power/Florida Power and Light
10 Project Director on this project, my counterpart
11 on the applicant's side.

12 Staff issue identification report.
13 Again, that's on the back table. It will become
14 part of our first workshop to discuss. It has
15 been filed, it has been written to the Committee.
16 And it identifies, the purpose of it is to inform
17 participants of potential issues and early focus
18 on those issues.

19 Criteria for that focus is that the
20 impacts may be difficult to mitigate. Something
21 is coming up here that looks like it could be an
22 issue and very difficult to mitigate.
23 Noncompliance with LORS. Even potentially
24 contentious ideas that in staff's opinion need
25 early warning on. And issues that may impact the

1 schedule, that may delay the schedule beyond the
2 12-month process.

3 Potential issues that were identified in
4 the issue identification by staff were air quality
5 and biological resources, land use, reliability,
6 socioeconomics and water resources.

7 Again, these are not deal breakers.
8 These are issues that look like somehow they
9 impact one another, or the process that we're in
10 right here, and we're going to deal with those.
11 We're dealing with them right now, as a matter of
12 fact. We're trying to find ways to lessen their
13 contentious possibilities.

14 This is now the proposed schedule that I
15 have submitted to the Committee. Shortly after
16 this informational hearing and site visit they
17 will make a decision on whether or not they agree
18 with the schedule. Staff does not make the
19 schedule. The Committee is the authority for the
20 schedule. Staff just calculates all the process,
21 figures the timeframe, suggests days and then
22 submits that to the Committee. And they make the
23 decision. So if there's something that you don't
24 like about the schedule, I'm not the one that's
25 going to change that.

1 PRESIDING MEMBER LAURIE: Mr. Caswell, I
2 can tell you right now there's one date that's
3 going to change because my term expires January 7,
4 2003.

5 (Laughter.)

6 MR. CASWELL: Okay, well, we already
7 have a change in schedule.

8 (Laughter.)

9 MR. CASWELL: And this is par for the
10 course, and probably won't be the last one.

11 Remembering that as you see these dates
12 they're just targeted dates for us all to manage
13 our workload with all these projects going on at
14 the Energy Commission.

15 We need to target these, and as things
16 evolve throughout the year, these things shift
17 left or right. And many times it has to do with
18 other agencies, both state, federal and local.
19 Their ability to get us responses or work out
20 their issues with the applicant and make
21 everything kind of fall into place so that we can
22 make this work.

23 And with that, that's the end of my
24 slide show. Thank you.

25 PRESIDING MEMBER LAURIE: Thank you.

1 Ladies and gentlemen, are there any questions
2 regarding Mr. Caswell's presentation? Basically
3 Energy Commission process.

4 Yes, ma'am, if you can go to the
5 microphone, please. And state your name.

6 MS. AGUIRRE: Ena Aguirre.

7 PRESIDING MEMBER LAURIE: Could you
8 spell your last name for us, please?

9 MS. AGUIRRE: Last name A-g-u-i-r-r-e.
10 One of the concerns I had has to do with this
11 timeline. I, you know, I don't see anything in
12 there; I get a feeling that the Commission has
13 planned for a couple of meetings in Tracy. And
14 since we will be the ones that will be getting all
15 of the pollution that you all want to send to us,
16 we should at least, you know, or the staff should
17 have known according to the prevailing winds that
18 there should have been something scheduled for
19 Tracy.

20 PRESIDING MEMBER LAURIE: Okay, --

21 MS. AGUIRRE: Thank you.

22 PRESIDING MEMBER LAURIE: -- thank you.

23 Can you go back to Mr. Caswell's last slide,
24 please. Go ahead and be seated, please.

25 Mr. Caswell, can you respond regarding

1 your workshop plans.

2 MR. CASWELL: You're talking about
3 scheduling a hearing or a workshop for Tracy?

4 MS. AGUIRRE: Yeah, that's where I live.
5 And that's where everybody lives, and you know,
6 those of us who are going to become intervenors
7 will probably all come from Tracy. And, again,
8 because the Commission still hasn't learned the
9 fact that there's a small town called Tracy where
10 a lot of us have a lot of health, you know,
11 problems, especially with asthma. That the
12 Commission seems to be bent on making sure that
13 we're surrounded by at least five power plants,
14 one of which is this one.

15 And a lot of us are extremely concerned
16 about our health. I have had to, you know, go to
17 the emergency hospital three times in the last
18 four years. And I'm not going to die simply
19 because the Commission has decided that Tracy
20 should be surrounded by power plants.

21 So I am very concerned that at the get-
22 go I make sure that the Commission, you know, also
23 is aware of the fact that there have to be
24 meetings in Tracy.

25 PRESIDING MEMBER LAURIE: Okay, thank

1 you. I assure you that there will be sufficient
2 workshops in Tracy to insure adequate input from
3 the residents of that community.

4 Any other questions regarding Mr.
5 Caswell's presentation? Thank you.

6 Ms. Mendonca.

7 MS. MENDONCA: Good evening, my name is
8 Roberta Mendonca and I'm the Energy Commission's
9 Public Adviser. And I'm not going to be able to
10 do slides and hold the mike, so maybe -- Jack?

11 There we go. Thank you, Commissioner
12 Laurie, it's a pleasure to be able to give you an
13 overview this evening, and basically my report
14 will have three parts.

15 The first will be to give you an
16 overview of how to participate in the Energy
17 Commission siting process. And the second segment
18 will explain what the Public Adviser's Office has
19 done in the way of outreach so far in this case.
20 And the third part will be to talk about blue
21 cards and the mail list.

22 Let me start again, my name is Roberta.
23 The last name is Mendonca, but I answer to
24 Roberta, so don't worry about it. I always start
25 out with this slide just in case I've forgotten

1 who I am this evening.

2 So we're ready for the next one. The
3 Project Manager gave you some ideas about how the
4 Energy Commission process is designed to
5 facilitate public participation. The process is
6 an open public process, and you are welcome to
7 sign up on our mail lists and receive notice of
8 all of our informational hearings, our workshops
9 and the meetings that will be held to consider the
10 proposal that is currently before the Energy
11 Commission in the Tesla case.

12 The notices leave the Energy Commission
13 from 10 to 14 days -- don't know where 15 came
14 from, that's obviously a typo -- 10 to 14 days in
15 advance of the hearing. There are several types
16 of mail lists. You can sign on this evening from
17 the mail list in the back of the room, and we also
18 have an automated list server which is available
19 at the Energy Commission's website. If you're
20 interested, please contact me and I'll tell you
21 how to get on that.

22 Mr. Caswell mentioned that the
23 application for certification can be viewed in
24 your local libraries. Let me just explain what
25 the application for certification is. It's a very

1 large document, usually two binders about four
2 inches thick. And that describes the overall plan
3 with maybe 17 to 23 segments to the plan, and all
4 of the supplementary data that explains what's
5 currently being considered.

6 That application is intended for you to
7 have as a reference. It's available in the three
8 libraries, the Tracy Branch Library, the Brentwood
9 Branch Library and the Livermore City Civic Center
10 Library. And should you have an interest in
11 borrowing your own copy, the Public Adviser can
12 arrange for you to have a loaner.

13 Mr. Caswell also mentioned that it's
14 available in the Energy Commission Library. Of
15 course, that's in Sacramento. It's a little bit
16 less convenient for you, but it is available if
17 you're in town.

18 And he also mentioned the Energy
19 Commission website. Some of the words might be a
20 little bit new, but he mentioned that documents
21 get filed with the dockets. If you have access to
22 a computer, and we've found that many of the local
23 libraries will also allow you to come in and
24 access the Energy Commission website on the
25 library computer if you don't have your own

1 computer, you can go into the website for the
2 Tesla process and follow along with the documents
3 that have been filed electronically in the case.

4 Documents filed by staff, for example,
5 the issue identification report can be viewed and
6 downloaded. Documents filed by the applicant.
7 And there's also a place on the website for
8 documents that have been filed by the intervenors
9 in the case.

10 Dockets. Dockets is a lot like a court
11 clerk recorder. Documents that go in the Tesla
12 case are all segregated in essentially a big large
13 filing cabinet, and given a number. So if you
14 know that you are looking for a document you can
15 find it in the docket.

16 You sort of see two different types of
17 processes. Mr. Caswell gave you an overview of
18 how to participate in the staff's segment of the
19 workshops. And that's what their meetings are
20 called, they're called workshops.

21 The Commissioners, on the other hand,
22 tend to have more formal meetings with a
23 transcriber, such as our court reporter this
24 evening. Committee hearings are called hearing.
25 They're called prehearing conference. And you

1 also heard the word this evening, evidentiary
2 hearings, which is really a formal adjudication or
3 a decision making hearing where the decision
4 makers sit and take formal evidence.

5 The staff's workshops tend to be much
6 less formal than this. You can come in; it's a
7 rolled-up-sleeves environment. And they often
8 work on data requests which is a form of asking
9 questions; data responses, which are answers to
10 those questions. Issue resolution, an opportunity
11 to talk about what can possibly be done to take
12 care of issues in the case. And also once the
13 staff has issued their assessment there will be
14 workshops to talk about the documents that they
15 issued.

16 The meetings are all publicly noticed,
17 and once again I'm giving you a plug to sign up on
18 our mail list. And the public is welcome at all
19 of the meetings to talk about the noticed topics.

20 Most of you this evening would be
21 considered informal participants. You're here;
22 you have an opportunity to observe, to listen, and
23 to provide verbal comment on what you've heard.

24 You can also informally participate by
25 sending written comments. You can get them to my

1 office. You can send them to the docket. You can
2 get them to staff who will also take care of
3 getting your documents docketed.

4 Some of the people this evening have
5 already become formal parties and have intervened.
6 Sometimes the word intervention suggests a large
7 process. To intervene in the Energy Commission
8 process you need to request, file a petition
9 asking for the intervenor status.

10 It goes to the Committee, the decision
11 makers, and on a case-by-case basis the decision
12 makers accept applications to become intervenors.
13 The petition is not difficult. It's a one-page
14 document. And if you are interested in that
15 avenue my office can be of assistance in getting
16 you the form. And if you have questions, in
17 helping you in filling that out.

18 PRESIDING MEMBER LAURIE: Will everybody
19 please check their phones, please? Thank you.

20 MS. MENDONCA: Speaking with a little
21 bit more detail about intervenors, I heard a
22 comment earlier this evening that people that
23 intervene are clearly designed to slow down the
24 process. And having been the Public Adviser at
25 the Energy Commission since 1997 I kind of

1 disagree with that.

2 I think that I've seen projects get
3 better because of the public participation. We've
4 had projects go from being wet-cooled to dry-
5 cooled because of the public input. We've had
6 public obtain an air monitoring station because of
7 the need and the concern for air quality in their
8 area. We've seen the footprint of the plant
9 rearranged because of public participation.

10 So, the responsibilities of the
11 intervenors are to come with your ideas to
12 participate fully and to prepare. The process of
13 becoming an intervenor, as I said, is through the
14 application, a petition. And the best time to
15 intervene is early in a case.

16 And what I'm trying to say by that is
17 that there is a deadline. You can only intervene
18 up until the formal hearings. And the reason that
19 we ask you to intervene early is so that you can
20 fully participate in the activities that are
21 available to intervenors.

22 And the case moves along on its own
23 schedule, as Mr. Caswell laid out, and at the
24 Committee's schedule. They won't go back and take
25 up your issue. If your issue has been resolved

1 then you've intervened too late on that point.

2 This is an overview of the benefits.

3 You could almost use the word participation,
4 because you get the benefit of participating in
5 the case. If you contact my office, we can assist
6 you in getting all the filings and a copy of the
7 application for certification. You can also
8 receive all notices of hearings and workshops.

9 Now, this is where it gets a little bit
10 different. If you are an intervenor you have the
11 opportunity to prefile your testimony, to present
12 evidence and bring witnesses at any of the formal
13 hearings.

14 Also at the formal hearings, if you are
15 an intervenor, you have the opportunity to cross-
16 examine the witnesses and to present witnesses on
17 your own.

18 The process of data requests and data
19 responses which have been mentioned, is a process
20 that is only available to parties. Intervenors
21 are parties, and you must intervene to do formal
22 data requests.

23 You also have then the opportunity to
24 file all documents in the siting case including
25 motions and petitions. And let me explain, if

1 you're an intervenor, it's possible that you might
2 wish to have additional time to submit a document.
3 Then you would have the status to file a motion to
4 extend the time.

5 Mr. Caswell gave you this slide. I'm
6 giving it to you one time again. He is the
7 Project Manager and your source of information
8 about the details of this Energy Commission's
9 analysis. It gives you our website, including
10 siting cases with the slash for Tesla.

11 Mr. Williams is our Hearing Officer and
12 he will be in charge of the Committee aspect of
13 this case, and works with the Committee to make
14 sure that their meetings and their notices are
15 effective and distributed to the public, as well
16 as running the Committee hearings.

17 I'm the Public Adviser; I'm a resource
18 for you. PAO stands for Public Adviser's Office,
19 and I would welcome your questions and an
20 opportunity to help.

21 In addition, I mentioned that I would
22 give you an overview of the Public Adviser's
23 outreach. Early in the case we developed a one-
24 page project description which we had translated
25 into Spanish. It's a one-page flyer; it's on blue

1 paper. If you'd like to walk away with it at the
2 end of the meeting, it's a pretty good, clear,
3 concise summary of what this project is currently
4 described as. And it also has the Energy
5 Commission's website and how to reach me.

6 We placed the three applications for
7 certification in the local libraries and provided
8 each librarian with a poster that can be posted
9 advertising the availability of the application
10 for certification.

11 We placed a one-page project
12 announcement for tonight's meeting in English and
13 Spanish through The TriValley Herald; 11,000
14 copies of the flyer were distributed in Livermore
15 and 7000 in Tracy.

16 Making use of the internet, we sent an
17 email reminder to the people that we have email
18 addresses for and our automated list server, to
19 mention again this evening's meeting.

20 In order to facilitate your questions we
21 ask that you utilize the blue cards which were at
22 the back of the room. And I'll pick up a stack
23 and kind of walk around. If you want one, just
24 put your hand up and I'll make sure you get the
25 blue card. Give us your name and the essential

1 topic that you'd like to talk about, and that will
2 facilitate the discussion after the presentations
3 this evening.

4 Also, I mentioned the mail list, and I
5 want to encourage you once again to please make
6 sure your name is on our mail list if you would
7 like to know about future meetings.

8 Thank you very much.

9 PRESIDING MEMBER LAURIE: Thank you very
10 much. Questions of Ms. Mendonca? Thank you,
11 Roberta.

12 Mr. Busa, are you ready to roll, sir?
13 If you're going to make your presentation from
14 there you're going to need -- okay, thank you.

15 I'd ask the audience to hold your
16 questions until the completion of the applicant's
17 presentation, at which time you will be called
18 upon. You will note that I will not constrain
19 myself as to that, but I will ask your patience
20 and your tolerance.

21 (Off-the-record comments.)

22 MR. BUSA: Good evening, again. Tonight
23 in my presentation we're going to talk a little
24 bit about who FPL Energy is; what we're doing here
25 in California; some of the other projects that

1 we've got going on. And then we're going to talk
2 some specific details on the proposed plan for the
3 Tesla Power project.

4 One of the questions that we usually get
5 a lot is what is FPL Energy, what do they stand
6 for. Well, we do have our roots in the State of
7 Florida. We have a base of 7 million customers in
8 the State of Florida, as the largest utility in
9 the State of Florida. We've been serving
10 customers in Florida for about 75 years, both
11 generating and distributing and transmitting
12 electrical power to those customers across mostly
13 the east and southern part of Florida.

14 About ten years ago there were some
15 dramatic changes made to the electrical industry
16 across the United States. And a number of utility
17 power companies went out and formed separate
18 companies, and that's where the name FPL Energy
19 came from.

20 That company was formed to take
21 advantage of opportunities allowed us now in other
22 states where we can go into other utility service
23 territories and build merchant power plants, or
24 independent power production facilities. And FPL
25 was one of many companies that did that.

1 California was one of our target areas.
2 FPL Energy came into the State of California in
3 the early '90s, and we invested heavily in a lot
4 of renewable energy.

5 Here in the Livermore area, as I
6 mentioned on the bus trip FPL Energy actually
7 operates and maintains about half of the wind
8 generation in the Altamont Pass. We have an
9 office here in the City of Livermore that employs
10 about 70 folks who work in wind operations and
11 maintenance.

12 In addition to that we have a second
13 office here in Livermore where we employ our
14 operations personnel who take care of our plants
15 across California, and also other western plants.
16 For example, some of those in Texas and a few I
17 have covered up in Washington and Oregon there,
18 too.

19 Looking at California, in addition to
20 the wind generation we have in the Altamont, we
21 have a facility in Stockton. Currently we employ
22 about 25 people down at the Port of Stockton; a 50
23 megawatt plant down there.

24 In southern California we have a
25 significant amount of wind generation in Tehachapi

1 Pass. We operate the world's largest solar
2 facility outside of Barstow, California. It's a
3 160 megawatt solar energy station down there.
4 We've got some interest in some geothermals, also,
5 in southern California.

6 And similar to the plant that we're here
7 to discuss tonight we are currently building a
8 natural gas fired facility, a 500 megawatt
9 facility, in Blythe, California, which is in very
10 eastern Riverside County, right on the Colorado
11 River. That facility will be operational at the
12 end of this year.

13 We're very proud to say that we're a
14 clean generator. We are, again, heavily involved
15 with wind production. FPL Energy is the largest
16 producer of wind energy in the United States.

17 In addition to that we have a
18 significant amount of hydro facilities in the
19 State of Maine. And on the fossil fuel side we do
20 fire mostly natural gas to make up the balance of
21 the difference there.

22 Just a couple of pictures. The upper
23 right is a picture of our facility down outside of
24 Barstow, the solar energy generating station.
25 Some wind turbines; I believe those are in the

1 midwest. For those of you who were on the bus
2 trip, that's sort of the new, more modern design;
3 the single mono-pole towers that I mentioned on
4 the bus trip up there. An example of one of the
5 rivers that we have a hydroelectric facility on in
6 Maine.

7 Let's turn specifically to this project,
8 the Tesla Power project. It is proposed to be an
9 1100 megawatt facility using advanced combustion
10 turbine combined cycle technology, and I'll
11 explain that a little bit further for those who
12 have interest in it.

13 Just to kind of give you a rough idea of
14 what 1100 megawatts does, that's enough to serve
15 about 1.1 million homes. That's a little bit more
16 power than is generated by all the Altamont Pass
17 wind facilities when the wind is blowing greater
18 than 14 miles an hour.

19 A couple of the reasons why we chose
20 this site. Number one, we looked for a fuel
21 supply. Pacific Gas and Electric runs a mainline
22 they call their backbone line through the City of
23 Tracy, or just on the outskirts of the City of
24 Tracy. We visited one of their maintenance
25 facilities today, and we'd run a new pipeline

1 about 2.8 miles from the project site over to the
2 PG&E's maintenance facility in Tracy where there's
3 sufficient gas supply to run the project.

4 Again, for those of you who went on the
5 bus trip, I pointed out that the Tesla substation,
6 that is one of the largest substations in the
7 State of California. It allows us access to a
8 number of power markets, here in the Bay Area,
9 across the San Joaquin Valley, and back up towards
10 Sacramento. It's the introduction point of where
11 we would put all this power so then we could
12 quickly distribute it to the nearby residents.

13 And, again, we mentioned before, too,
14 the idea that the power plant needs a water supply
15 that's close. And we'll be tapping into the
16 California Aqueduct to get water supply for the
17 project. I'll go into some more details on that
18 in a little bit, too.

19 For those of you who went on the bus
20 trip hopefully this looks a little bit familiar.
21 For those of you who didn't, the project location
22 is along Midway Road about a mile and a half south
23 of the Altamont Speedway. And it's about three-
24 quarters of a mile, half to three-quarters of a
25 mile north of PG&E's Tesla substation.

1 It does sit up in the foothills of the
2 Altamont. Currently the property is used for
3 cattle grazing part of the year. Actually it gets
4 so dry out there that the cows are only there for
5 part of the time.

6 The idea that we are just north of the
7 substation reduces the amount of transmission
8 lines that would have to be built for the project.
9 And it also reduces the amount of power that's
10 lost.

11 Anytime you put a power plant way out
12 somewhere and have to ship the power to an area,
13 say back to the Bay Area, to the Sacramento
14 Valley, or the San Joaquin Valley, every mile that
15 you have to send those electrons you lose a little
16 bit of that power.

17 So the idea that if you could put all
18 the power plants in Nevada sounds like a good
19 idea. However, the efficiency of that becomes
20 uneconomical, just getting that power back to
21 areas that need it. There's a significant amount
22 of power lost.

23 That's a rendering of the site, again,
24 if you went on the bus trip. That's the same copy
25 that we produced there.

1 The roadbed towards the top of the photo
2 is the railroad bed that we stood on on the site
3 trip. Again, that is a nonfunctioning railroad
4 bed that has been deeded over to Alameda County,
5 and is a right-of-way that belongs to them.

6 Just a couple of points there. Again,
7 starting from the back of the picture there are a
8 number of circular, what we call cooling towers.
9 That's where the water will be flowing through to
10 cool the power plant project.

11 There will be four emission points from
12 the stacks that will be there. That's going to be
13 the tallest feature of the project. And down
14 below that is where actually all the power
15 production gets done by four gas turbines and four
16 heat recovery steam generators, which are sort of
17 the larger green squares there that we actually
18 boil water in and use steam to produce electricity
19 from those.

20 Another couple features of the site, the
21 large tank there is a water storage tank. Some of
22 the buildings there are used to reduce the water
23 that we use in the project down to a solid
24 material.

25 Some of you are familiar with other

1 power plant projects that will have large ponds on
2 the project for discharges of water. This
3 facility is designed to be a zero discharge
4 facility, meaning we will take water into the
5 project; cycle it through the project as many
6 times as possible; and then dry off the remaining
7 water. And what's left is a salty, calcium
8 deposit, the stuff that you find in the water
9 naturally. And that would be taken off the
10 project site in trucks or recycled, if possible,
11 to something like gypsum board.

12 I think we hit this one before, too.
13 Again, we filed our application in October. We
14 are in a year-long permitting and public outreach
15 period. It would be -- and when I put the slide
16 together we were hoping to have our license by the
17 end of the year, by the end of the fourth quarter
18 2000. So sometime at the end of the year, or
19 early January, as Jack had mentioned before, we
20 would expect to have our project licensed and move
21 directly into construction.

22 It takes upwards of two years to build a
23 power plant of this size, which would put startup
24 in late 2004 or early 2005.

25 Again, FPL Energy has a lot of

1 experience with construction of power plants.
2 Based on our Florida roots, I had a question the
3 other night, in our open house last night,
4 actually, we held in our offices, on where's the
5 nearest project of this size.

6 We actually do have one that came online
7 last year in Paris, Texas. That would be the
8 closest plant of similar design and size to this
9 one. Even though I did mention the one we have
10 down in Blythe, California; similar design, but
11 it's a little bit smaller than this one here.

12 These are some of the conditions that
13 we'd expect the Commission to impose in our
14 license, as far as sound muffling and only working
15 during certain hours of the day to be a good
16 neighbor is really what we're looking to do here.

17 Average employment on the worker side
18 would be about 500 workers over the two-year
19 period. Of course, it starts fairly slow. A
20 larger staff would be built on. At one point, one
21 month, we would employ about 975 construction
22 workers at the site. And it would taper off as
23 the project got completed. But on average it
24 would be about 500 folks to build this project
25 over that 20- to 24-month period.

1 A question, too, we had as we drove past
2 the site, where would most of the traffic go.
3 Actually the way we exited the property if you
4 were on the bus tour, the Patterson Pass Road exit
5 is where we'd expect most of the traffic to come
6 into the project site. It is accessible, again,
7 from Midway Road off of Grant Line Road.

8 One of the things I mentioned on the
9 site tour, too, is that some of the early feedback
10 that we got in talking to the neighbors in the
11 project site was the fact that they're very
12 concerned with traffic speeding by. And, again,
13 I'm talking to the local neighbors that are right
14 by the project site, right by meaning a mile away.

15 And, you know, we are certainly willing
16 to work with the Commission and Alameda county and
17 San Joaquin County folks to work on the issues of
18 traffic in the area with our own folks, and
19 anything we could do with the current problems
20 that they have with speeding traffic along
21 Patterson Pass Road, for example, up there.

22 Again, state-of-the-art equipment.
23 Certainly nothing out of the ordinary. We're
24 very -- have done a lot of seismic studies of the
25 area and are very aware of potential for

1 earthquakes and have to design around that
2 according to, of course, all the California
3 building codes.

4 There is no fuel storage on site.
5 Again, this is a natural gas fired only project.
6 The gas is piped in and used as it's piped in.
7 There's no tanks of gas or anything like that
8 stored on site. No oil, there's no bulk fuel
9 storage is what we're saying there.

10 On the air quality side, a couple of
11 things we've had to do. The first thing we did,
12 we've produced a number of air models, and we did
13 include two of the other proposed projects that
14 are before the Commission right now when we did
15 our air modeling for the projects.

16 They call it a cumulative impact
17 analysis, where we take the emissions from this
18 proposed plant and we looked at the GWF Tracy
19 proposed plant in Tracy and Calpine's proposed
20 East Altamont facility.

21 We looked at all of the emissions from
22 those plants and made sure that there would be no
23 significant impact, meaning to health, of the
24 residents from all three of those plants combined,
25 not only our own plant.

1 We will have to buy emission reduction
2 credits from this project. In addition to that, I
3 want to, you know, kind of assure everybody that
4 we do and have heard some of the concerns of the
5 citizens of San Joaquin County, and Tracy, in
6 particular. And we're committed to go above and
7 beyond the current requirements of the Bay Area
8 Air Quality Management District, which is to
9 provide offsets for the facility.

10 We recognize that San Joaquin Air
11 Pollution Control District does have a higher
12 offset ratio, for example. And we've been working
13 with the folks at San Joaquin to come up with
14 additional mitigations above and beyond what we're
15 required to, because of our unique location near
16 the County line.

17 So, I look forward to working with staff
18 here and in the Bay Area and San Joaquin Air
19 Pollution Control District to make sure that we're
20 covering nay concerns of the citizens.

21 Again, back to water supply. Average
22 water consumption is about 5100 acrefeet of water
23 per year at the most. If you look at the worst
24 hottest months and add them all together, it would
25 be 5900 acrefeet a year. And the water tank I

1 mentioned is enough to run the plant for a hot
2 summer day over a 24-hour period.

3 Where are we getting the water from,
4 that's another concern that we addressed -- heard
5 from early on. Water, of course, is a big concern
6 to the residents of Tracy and to Livermore. We
7 will not be tapping into any groundwater supplies.
8 We have an agreement with a Kern County water
9 district, the Rosedale Rio Bravo Water District
10 where they have been storing water underground
11 down in Kern County, water that they're currently
12 taking from northern California off the California
13 Aqueduct.

14 They've got a sufficient supply down
15 there in storage and are able now to capture a lot
16 of the local floodwaters that they were not able
17 to capture before. So right now they have an
18 excess amount of water coming down the California
19 Aqueduct that they're looking to sell to bring in
20 revenue so that they can enhance the facilities at
21 the district.

22 So we've got an agreement to purchase
23 the water from this water district; water that's
24 currently flowing right past us here in San
25 Joaquin and Alameda Counties. We would take that

1 water and turn it off at the project site, and the
2 Rosedale Water Storage District would still have
3 plenty of water down there.

4 And staff has been asking a lot of
5 questions. And it's a pretty complicated water
6 exchange, but we feel like we've already covered
7 all of our bases on mitigation. We're not
8 increasing any flows on the California Aqueduct.
9 We're not impacting any additional withdraws off
10 the Delta area, too, which is a big concern that
11 we think we've addressed, so far.

12 And just back one up there. I wanted to
13 point out that this is, again, a zero discharge
14 facility, which minimizes wastewater flowing
15 either into ponds or into the local creek,
16 Patterson Pass Run that we passed on the bus tour.

17 Just a few numbers. These are some
18 direct benefits of the project. I mentioned the
19 construction job. Once the project is operational
20 it will employ approximately 35 people in power
21 plant operations. It is staffed to run 24 hours a
22 day, seven days a week even though it will not run
23 all of that. We've not licensing it to run 24
24 hours a day, seven days a week, 365 days a year.
25 It's a little bit less than that.

1 We look to add to, again, our existing
2 base of employees that are already here in
3 Livermore and Stockton. We take a lot of pride in
4 the renewables that we've got here, and our
5 project over in Stockton. And, you know, we look
6 to be able to kind of add a reliable source of
7 power that's available 24 hours a day.

8 One of the things I'm sure you're all
9 familiar with is that the wind doesn't turn those
10 turbines 24 hours a day, or for a solar plant the
11 sun doesn't shine 24 hours a day. So with gas
12 fired technology it's really just a complement to
13 renewable energy sources which the company is
14 dedicated to both of these.

15 On the taxes side there will be about
16 \$3.4 million in payroll to pay those folks. \$6
17 million in property taxes, some of which does go
18 to San Joaquin County. I know we had a question
19 before. We are in some of the school districts,
20 the Mountain House School District and some of the
21 other San Joaquin County schools will get a piece
22 of that tax dollars.

23 In addition to that we do try to buy a
24 lot or as much as possible from the local folks.
25 We've had a lot of calls so far, a lot of

1 interested people into, you know, where do you get
2 your supplies from, how can we be part of that.
3 And we've begun taking their names already to look
4 to add to, you know, to businesses here, both in
5 Livermore and in Tracy, and in the surrounding
6 areas.

7 Typically a project this size uses about
8 a -- or pays about a half million dollars in sales
9 tax just buying the local goods.

10 And I guess just a couple other points
11 that maybe aren't so obvious. You know, we talk
12 about the air quality and I go back to this point
13 that, you know, two things.

14 Number one, the more the newer
15 generation is encouraged to come online, it's
16 cleaner than the older generation; it's more
17 efficient than the older generation. A lot of
18 that older generation exists in the Bay Area. A
19 lot of pollution comes over from the Bay Area, as
20 you said.

21 When you bring on this new generation,
22 and just from an economic standpoint, you kind of
23 push the older generation to run less and less,
24 the older electrical generation. So the power
25 plants that are running today, when you bring in

1 new competitors that run more efficiently, it
2 costs less to produce the electricity; just sort
3 of one of the fallouts that you get is the fact
4 that they will not run as much.

5 We're here to listen. We've actually
6 been working on this project for over a year now.
7 We have been in touch with a number of the local
8 residents, a number of the local governments on
9 both sides of the Altamont Pass. You know, we are
10 interested in your input. And this process is
11 sort of becoming the formal side of that now, even
12 though we've been out there kind of pounding the
13 streets since last summer, anyway, talking to
14 nearby residents, neighbors, governmental
15 agencies.

16 So, you know, we look forward to your
17 input and working with staff. And hope to have a
18 project that we're all proud of that will be here
19 for a long time, and that FPL Energy will be able
20 here to operate for a long time, as an additional
21 neighbor in Livermore.

22 PRESIDING MEMBER LAURIE: Thank you very
23 much. Mr. Caswell, can we get lights back on,
24 please.

25 Some questions. And I am not seeking

1 answers tonight. But I am going to want timely
2 responses to these specific questions, so I'd ask
3 staff to pay attention to this, as well, because
4 you're going to have to do your own share in
5 regards to these.

6 First of all, in regards to the time
7 schedule, I will move very strictly with this time
8 schedule. Now, I know very often that an
9 applicant and staff or other parties do not always
10 agree. And sometimes weeks or months are taken up
11 by that disagreement. That's not going to happen
12 here.

13 If you disagree, so be it. It is not
14 staff's decision, it is not your decision. It is
15 the Commission's decision. If you cannot agree on
16 an issue, then you leave that issue aside, and it
17 is determined at the evidentiary hearing process.
18 Okay? I want to make sure that's clearly
19 understood. This project will not be held up
20 simply because there's a disagreement.

21 Or even if there is a lack of evidence
22 not the fault of the applicant, if we are waiting
23 for information from another agency, for example.
24 We do not wait 30 days or 60 days or 90 days. The
25 Commission, I am informed, and it is my

1 responsibility to meet that timeframe, which means
2 that, if anything, it's my responsibility to have
3 communication be extended formally to those other
4 agencies to get information in a timely manner.

5 Okay?

6 So, there will not be delay here.

7 Doesn't mean the project's going to be approved
8 the way you like it, or the way you like it, or
9 may not be approved at all, but by golly, we're
10 going to be moving in a timely manner. I want to
11 make sure all parties understand that.

12 Some questions. In regards to BACT, it
13 is my understanding that EPA has issued a guidance
14 which suggests a level of 2 parts per million for
15 NOx is achievable and demonstrated in practice for
16 both pollutants, NOx on the one-hour average and
17 CO on a three-hour average.

18 I need to have an understanding as to
19 what an EPA, with the legal ramifications of EPA,
20 guidance are. I want to know what the law
21 mandates. I care and I will listen to what the
22 staff at EPA is thinking, and what they would like
23 to see. But if it is not law, then I'm not going
24 to hold you to that standard. And so I need to
25 have an understanding of what EPA guidance legally

1 means.

2 PM10 impacts. I understand that it is
3 staff's position that the San Joaquin Valley air
4 basin will be impacted, as well as the Bay Area.
5 And therefore, additional mitigation will be
6 sought.

7 I'm going to want to have an
8 understanding of what the legal authority for that
9 is. If it is CEQA, well, then fine, I will
10 understand that concept. But I need to have that
11 explained to me.

12 As to your Williamson Act contract, it
13 is my understanding that under the terms of the
14 contract, which are probably standard terms, that
15 this particular use would not be permitted. And
16 therefore, a partial cancellation of the ag
17 preserve will be required.

18 And that is an action that has to be
19 undertaken by, I presume, Alameda County. That's
20 a discretionary act. It's a discretionary act
21 with very specific finite findings required. And
22 the Committee is going to want that taken care of
23 quickly so that we will know whether or not you
24 are in compliance with local rules in regards to
25 your ag contract.

1 Now, this is going to be the
2 complication. Because a cancellation of your ag
3 contract is a discretionary act, it's going to
4 require an environmental analysis. Under the
5 rules that environmental analysis is our
6 environmental analysis. We have a very common
7 chicken-and-egg problem here.

8 I need both staff and other parties'
9 recommendations as to how we're going to handle
10 that. I've had other projects where we have been
11 held back six months because there is not an
12 agreement between the parties as to how that's
13 going to be handled. We're not going to do that.
14 That's going to be one of the primary questions
15 here as to when is the County going to address the
16 ag contract, and what are they going to utilize
17 for environmental documentation. I need that
18 answer immediately.

19 If, and this is information for the
20 public, as well, if this project does not meet
21 local rules, local zoning rules for example, or
22 rules of the Williamson Act contract, it doesn't
23 mean that the project fails. It means, however,
24 that in order for the project to be approved that
25 the Energy Commission must override the findings

1 of the local governmental structure. And in order
2 to do that we have to make very specific findings,
3 as well.

4 So, we have to know very early on in the
5 game whether or not there is compliance, because
6 if we do have to override, which we do very rare
7 circumstance, additional information, additional
8 kinds of information would be required.

9 Socioeconomics, there may be
10 environmental justice issues here. Environmental
11 justice is an issue that is a) new, b) has very
12 incomplete rules, both at the federal and state
13 level. But we will deal with those. It is the
14 policy of the Energy Commission and the State of
15 California to accept the environmental justice
16 concept which basically means one must not unduly
17 impact minorities and well, financially distressed
18 individuals. I think that means Energy
19 Commissioners, as well.

20 (Laughter.)

21 PRESIDING MEMBER LAURIE: And so
22 environmental justice in this case will be
23 addressed; and it will be addressed according to
24 the policies of the California Energy Commission.

25 That, too, because it can be a

1 controversial set of issues, is something that I
2 want to have addressed immediately, at least as to
3 make it clear what process is going to be
4 followed.

5 As to water, the water proposal is
6 unique. I'm going to have to have a degree of
7 security that the process is legal. That is that
8 a local water district can, in fact, sell water
9 outside of its district. Maybe it's legal, but I
10 need some security in regards to that. And that's
11 going to be up to your legal counsel to provide.
12 And if anybody disagrees we'll give them adequate
13 opportunity.

14 But also the reliability of that
15 continued water supply. That also is a legal
16 question. So that if Kern loses their allocation,
17 what happens to your water supply.

18 Those are my primary concerns. Mr.
19 Williams, did you have any specific -- and, again,
20 I'm not asking for, at all, responses at this
21 time.

22 Mr. Williams, did you have any comments
23 at this point?

24 HEARING OFFICER WILLIAMS: No,
25 Commissioner Laurie. My primary interest in terms

1 of the water is the zero waste discharge. And I'm
2 sure that data will be forthcoming. I'll take a
3 close look at that. But I think you've covered
4 all the points, Commissioner Laurie.

5 PRESIDING MEMBER LAURIE: It is Mr.
6 Williams' responsibility to kick me whenever I
7 err. It's difficult to do when we're sitting up
8 here, so we've got to figure out some alternative
9 method of reproval.

10 Let me first -- there's a representative
11 here from Alameda County? Sir, can you just
12 introduce yourself, please, and --

13 MR. GRAY: Yes, my name's Chris Gray.
14 I'm Chief of Staff for County Supervisor Scott
15 Haggerty.

16 PRESIDING MEMBER LAURIE: Thank you.
17 Welcome, any thoughts, comments? Not necessary.

18 MR. GRAY: I just wanted to welcome you
19 here to Alameda County, and to thank you for
20 having this informational site visit and this
21 hearing.

22 And let you know that Florida Power and
23 Light has been working with different County
24 agencies. Our Public Works Department, our
25 Planning Department, our Fire Department, et

1 cetera.

2 I'm going to also recognize Adolph
3 Martinelli is here. He is the Head of our
4 Community Development Agency which oversees our
5 Agriculture and our Planning Department, so.

6 PRESIDING MEMBER LAURIE: Thank you very
7 much. You all heard my comments this morning
8 regarding the ag contract. I'm requesting that
9 the parties, interested persons, meet as soon as
10 possible and figure out the process as to how that
11 really complicated matter is going to be handled.

12 MR. GRAY: Mr. Martinelli is the person
13 they need to talk to.

14 PRESIDING MEMBER LAURIE: Great, thank
15 you very much.

16 MR. GRAY: Thank you.

17 PRESIDING MEMBER LAURIE: I do have blue
18 cards. If you haven't filled out a blue card yet,
19 don't worry about it. You still have plenty of
20 opportunity to be called upon. But I will go
21 through these now.

22 Barbara George. Womens Energy.

23 MS. GEORGE: Hi. I didn't know I was
24 going to be first. I didn't realize we were
25 already at that point in the hearing.

1 Thank you for your comments,
2 Commissioner Laurie. And thank you for your
3 presentation on the power plant.

4 I had a question about the renewables
5 that you have. Have you ever developed any wind
6 projects and other things, or did you just buy
7 them?

8 MR. BUSA: Those in the Altamont Pass
9 were actually purchased from others. A lot of
10 those were developed in the mid and early '80s.
11 We do a significant amount of development of
12 renewable energy projects.

13 A number of the other ones pointed out
14 on the map that's behind you there are projects
15 that we've developed from scratch and are
16 continuing to develop a number of renewable
17 projects, wind energy in particular.

18 MS. GEORGE: Great. Well, I hope that
19 you'll convert this project to a wind plant or a
20 solar thermal or something a little friendlier,
21 and that doesn't use water from the aqueduct,
22 particularly. I think that's a -- you know, maybe
23 people in Florida have lots of water to use, but
24 out here it's a little scarce. So I think that we
25 really need to take a look at that.

1 My name is Barbara George, and I work on
2 energy efficiency proceedings before the Public
3 Utilities Commission. I'm doing a review of past
4 energy efficiency programs that the utilities have
5 been overseeing, which is -- it's amazing how
6 little energy efficiency we get for the amount of
7 money that we spend in that.

8 So, what I really want to make sure
9 people understand is that the potential for energy
10 efficiency to take care of all of the demand in
11 California is immense. And there is really no
12 need at all for these new power plants.

13 And, of course, the Energy Commission is
14 not officially able to consider whether we need
15 new power plants, but I think unofficially there
16 is some concept of that. And I hope that the
17 staff and the Commissioners will really take note
18 of the fact that there is a tremendous power glut
19 which is only going to get worse.

20 I want to draw your attention to an
21 article which I don't have in front of me right
22 now, but Barron's in August was already putting
23 out an article about the glut of power nationwide.
24 And apparently these merchant energy producers
25 have been falling all over each other to run in

1 and be first to get a power plant on line so that
2 they can gouge us for a little longer. And before
3 the whole thing falls apart.

4 And I'd be curious to know what your
5 stock is doing today. You know, most --

6 PRESIDING MEMBER LAURIE: Ms. George,
7 we're --

8 MS. GEORGE: -- most of the power
9 companies are in trouble --

10 PRESIDING MEMBER LAURIE: Ms. George --
11 Ms. George --

12 MS. GEORGE -- and I think that's a
13 concern --

14 PRESIDING MEMBER LAURIE: -- you are
15 giving a speech.

16 MS. GEORGE: No, I'm just asking --

17 PRESIDING MEMBER LAURIE: No, ma'am.

18 This is not the forum for the information that you
19 are providing. There will be adequate opportunity
20 for that. This is an informational hearing.

21 MS. GEORGE: Well, I'm interested in
22 whether or not this company is viable and they're
23 going to still be around. What if that plant gets
24 half-way built and they go under. I think that's
25 of some concern to people in California.

1 I also wanted to point out that there is
2 a new study on asthma that can be caused, it's not
3 just aggravated by air pollution. It's actually
4 caused by air pollution. And that's something we
5 really need to be considering.

6 Global warming is a problem. This may
7 be cleaner than old plants, but it's not as clean
8 as renewable energy or energy efficiency. So I
9 think those are things that need to be on the
10 table here.

11 And I -- I am not clear at all on who
12 controls this aqueduct water that you intend to
13 use. I'm just outraged about that. And I'd like
14 to know, Commissioner Laurie, when you say that
15 you want that answer immediately, are you planning
16 on letting the public have any input on that? I
17 mean immediately means today or tomorrow, and does
18 that mean that we don't have any time?

19 Florida Power and Light just told us
20 that they have been running around Alameda County,
21 the fellow from Alameda County just told us that
22 they've been here in our County lurking around
23 behind in back rooms for a year. So they have a
24 big head start on the public.

25 And I know that we get 10 to 14 days

1 notice of anything that happens, but believe me,
2 it takes a little time, especially for volunteers,
3 to get the information that we need on this kind
4 of thing.

5 I have no idea what the process would be
6 to deal with --

7 PRESIDING MEMBER LAURIE: Ms. George,
8 will you -- will you speak to me, please, and --

9 MS. GEORGE: Okay, I am speaking --

10 PRESIDING MEMBER LAURIE: -- not the
11 audience?

12 MS. GEORGE: -- to you.

13 PRESIDING MEMBER LAURIE: You have asked
14 a --

15 MS. GEORGE: Yeah.

16 PRESIDING MEMBER LAURIE: -- question.
17 You have been presented with the process that we
18 are going to follow. You have been advised that
19 there will be no communications directly between
20 me and staff, between me and either one of the
21 parties.

22 The information sought will be through a
23 formalized process. There will be many public
24 opportunities to respond, and public opportunities
25 for input. I assure you that you will have very

1 adequate opportunity to comment on any and all
2 issues that you may desire.

3 MS. GEORGE: Well, I'm glad you think
4 that I'll have enough time. From what you're --
5 you know, from your statements before you made it
6 really clear that you were going to go ahead,
7 there wasn't going to be one delay of any kind.
8 And I'm just, you know, just telling you that I am
9 starting from square one. I don't have the
10 faintest idea what this process is with the water
11 or with the agricultural stuff that has to be
12 resolved in Alameda County.

13 And I'd like to have some time on a
14 schedule which is not a professional, I'm not a
15 professional staff person or Commissioner. I
16 don't get paid for doing this. And there's no
17 payment, I understand, on intervening in the
18 Energy Commission. There is at the Public
19 Utilities Commission. It's a shame there isn't
20 here because it sounds like somebody could easily
21 spend full time trying to understand this.

22 You just told me that there's a four-
23 inch document to read to see what this proposal
24 is.

25 So I'm just telling you that it seems to

1 me that if there are really serious questions the
2 public might need a little more time, especially
3 if these things are going to be resolved
4 immediately. And I don't know what immediately
5 means, as I said before, on that particular issue.

6 I also want to point out for the public
7 that's here and for the record that the statement
8 that you made, there's 500 jobs average, but your
9 slide says 950. And I think that's grossly over-
10 stated. And, you know, I think that's obviously
11 one of the ways that you sell these projects.

12 I don't know how you guarantee whether
13 there are local people that are employed here.
14 I'd like to know what that is, you know, is that
15 just something you say for your public relations,
16 or is there actually a guarantee for that.

17 And I don't know how much time we have,
18 but I'll leave it at that for today, and I'll be
19 back. You know, I may file as an intervenor so
20 that at least I can get the document at home.

21 PRESIDING MEMBER LAURIE: Thank you.
22 Mr. Cornwell. First of all, just a moment, sir, I
23 apologize.

24 There are representatives here from
25 other governmental agencies that may have to

1 leave. I think it's important that we get your
2 comments on the record, so please, come up to the
3 podium now. Yes, sir.

4 Let me ask. Is there anybody else here
5 from a governmental agency that needs to comment
6 now?

7 MS. AGUIRRE: I had a question.

8 PRESIDING MEMBER LAURIE: No, just --

9 MS. AGUIRRE: Why should government, you
10 know, who --

11 PRESIDING MEMBER LAURIE: Ma'am, --

12 MS. AGUIRRE: -- are getting paid --

13 PRESIDING MEMBER LAURIE: -- just --

14 MS. AGUIRRE: -- we're not getting paid.

15 We --

16 PRESIDING MEMBER LAURIE: -- a moment,
17 please.

18 (Parties speaking simultaneously.)

19 MS. AGUIRRE: That's not right.

20 PRESIDING MEMBER LAURIE: Yes, sir.

21 MS. AGUIRRE: You're it, you know,
22 trying to -- a thousand a week and higher --

23 PRESIDING MEMBER LAURIE: Sir, please,
24 can --

25 MS. AGUIRRE: -- and they can leave when

1 they're getting paid, and we have to stay here,
2 we're volunteers. That's not right.

3 PRESIDING MEMBER LAURIE: Yes, sir, can
4 you introduce yourself, please.

5 MR. DEAN: My name is Bill Dean; I'm
6 with the City of Tracy Planning Division. Sorry I
7 didn't fill out a blue card. I'm just here to
8 advocate for having as many hearings and meetings
9 as possible in the City of Tracy.

10 We view this as a potential for having
11 impacts to the air quality in the San Joaquin
12 area, specifically on our community. So I'm here
13 to advocate for that.

14 Thank you.

15 PRESIDING MEMBER LAURIE: Thank you.
16 Okay, anybody else from a governmental agency?
17 Thank you. Yes, sir.

18 First of all, next, please be advised
19 that I generally let government folks come up
20 first so I can get them out the door so the
21 taxpayers do not have to pay them additional
22 overtime. That's my purpose.

23 Mr. Cornwell.

24 MR. CORNWELL: I'm on my own payroll.
25 The name is --

1 MS. AGUIRRE: We got --

2 MR. CORNWELL: -- Roy Cornwell. I live
3 at Farmington Way here in Livermore. I'm a member
4 of a ranching family that has property right in
5 the area of this power plant.

6 Directing your attention to the aerial
7 over there to my right I have a question on air
8 quality. Coming over the pass is air from the Bay
9 Area which has a certain amount of stuff in it.
10 You also have two freeways going there.

11 I would kind of like to know if you draw
12 a line on the right side of there and take your
13 measurements, what do you get? If you use a point
14 source for the power plant and a line source for
15 the freeway, which you're putting that into a
16 bunch of ambient air, what's the effect along that
17 line of all the nasty stuff you want with and
18 without the power plant?

19 I think it's a trivial amount. If you
20 smear the power plant over that area and the
21 people live in the smeared stuff, they don't live
22 directly below the power plant. I would be
23 curious as to an answer.

24 PRESIDING MEMBER LAURIE: Thank you,
25 sir. Anybody wish to comment at this time?

1 MR. BUSA: I know that staff has asked
2 quite a few questions in their data requests on
3 the air quality. And I know that is a topic of a
4 lot of questions that I'm sure we'll have a data
5 workshop on that. We'll have our specialist there
6 at that time.

7 PRESIDING MEMBER LAURIE: Sir, what
8 we're saying is there will be a specific hearing
9 on air quality questions where we can get into
10 great depth on that issue.

11 MR. CORNWELL: Thank you.

12 PRESIDING MEMBER LAURIE: Okay, thank
13 you.

14 Mr. Hoenig? Clarence?

15 MS. MARKS: He actually wanted you to
16 read his comment --

17 PRESIDING MEMBER LAURIE: Okay. "In
18 2001..." -- did you want me to read your comment,
19 sir?

20 MR. HOENIG: Yes, I do, -- those two
21 questions. One on the back, too, sir.

22 PRESIDING MEMBER LAURIE: Okay. "In
23 2001 Governor Davis put several new power plants
24 on a fast track construction plan. How does this
25 application plan differ from that process?"

1 Question number one.

2 Question number two: "How does the
3 project buy emission reduction credits and where?
4 Not only from San Joaquin County, but for Alameda
5 County, as well."

6 Mr. Caswell, can you briefly explain the
7 difference between this process and the expedited
8 fast track process that we used for a couple
9 months during the energy emergency?

10 MR. CASWELL: Yes. Jack Caswell,
11 Project Manager for the Energy Commission. I was
12 the project manager for those fast track
13 processes. And that process was limited to
14 retooling of existing power plants, not a
15 greenfield site such as this.

16 PRESIDING MEMBER LAURIE: And those were
17 processed under a 21-day process. And we had a
18 four-month process. That is not this process.
19 This process is one that will provide, we hope,
20 more than ample opportunity to get everybody's
21 concerns on the table.

22 In response to number two, how do you
23 buy emission reduction credits. Do you mean the
24 process you go through?

25 MR. HOENIG: And where?

1 PRESIDING MEMBER LAURIE: Without
2 detailing any confidential information, Mr. Busa,
3 can you go through the process?

4 MR. BUSA: Yes. Emission reduction
5 credits are created by private businesses
6 typically that shut down or reduce their emissions
7 below their required amount, so it's sort of like
8 excess emissions that they're cutting back.

9 The credits then are created, there's an
10 application put forth to one of the local air
11 districts, and they're created and banked at the
12 local air district.

13 As a private company we would go to
14 these private individuals that are holding these
15 banked certificates at the air district, and we
16 would actually purchase them from them.

17 We actually have to purchase more
18 emission reduction credits than the actual
19 emissions from the plants, themselves. And as I
20 stated before, we are also looking to go above and
21 beyond that and work with the folks in San Joaquin
22 Valley to look at additional mitigations that the
23 company can provide to the folks on the San
24 Joaquin side, above and beyond the emission
25 reduction credits required by the Bay Area.

1 PRESIDING MEMBER LAURIE: Okay. Thank
2 you. Mr. Luboviski. Yes, sir, good evening.

3 MR. LUBOVISKI: Yes. My name's Barry
4 Luboviski. I'm Secretary-Treasurer for the
5 Building Construction Trades Council.

6 Our Council represents 26 local unions
7 which represent in and of themselves workers that
8 work in the construction industry. About 40,000
9 workers in this area.

10 I'm here today to thank you for the due
11 diligence that you're doing. We think it's
12 important that this process, it's important to our
13 society, be one that where there is no question
14 about the detail and about the lengths that are
15 gone to to discover any potential harm that comes
16 to local residents.

17 We believe at the end of the day with a
18 process like this it insures the integrity of the
19 environment and the quality of life of people that
20 live in the surrounding communities where this
21 power plant would be.

22 We also think that this power plant is
23 important, as with others that are being built in
24 the State of California, most with union labor.
25 They're being built with workers who have the

1 expertise to follow the blueprints and the plans
2 that are put together by engineers that reflect
3 the concerns, and from a policy standpoint,
4 regarding the environment.

5 And we think at the end of that
6 construction process, with this process as a
7 foundation, that what we will see and are seeing
8 are plants that significantly reduce the kind of
9 emissions from when I first came into the industry
10 in 1965, when there were coal fired power plants,
11 and when there were plants that put out
12 significant emissions.

13 So, we're moving in the right direction.
14 We're certainly addressing the needs by putting in
15 these power plants now, and not leaving this state
16 and its citizens open to the kind of exploitation
17 that we saw with power brokers over this last
18 period of time.

19 I want to thank you again. We look
20 forward to this process and the deliberations that
21 are going to occur over these many hearings.

22 Thank you.

23 PRESIDING MEMBER LAURIE: Thank you,
24 sir. At this time I will take additional
25 questions or comments starting from the back of

1 the room.

2 MS. AGUIRRE: What happened to my card?

3 PRESIDING MEMBER LAURIE: Just --

4 MS. AGUIRRE: I gave you a card.

5 PRESIDING MEMBER LAURIE: Yes, ma'am.

6 Didn't I already call on you once?

7 MS. AGUIRRE: No, you did not call me.

8 PRESIDING MEMBER LAURIE: Didn't you

9 already have an opportunity to speak tonight?

10 MS. AGUIRRE: No, that was a question

11 that I was --

12 PRESIDING MEMBER LAURIE: Okay, so you

13 have an additional comment?

14 MS. AGUIRRE: Yes, I did have a comment.

15 PRESIDING MEMBER LAURIE: Okay, please

16 use this opportunity.

17 MS. AGUIRRE: I don't know why the CEC

18 always misses my cards, every time. This is the

19 third time it's happened.

20 My name is Ena Aguirre. And I have a

21 house in Tracy where I hope to retire. And I also

22 have a house in San Francisco.

23 And before continuing I would like to

24 remind everybody there is no energy crisis. There

25 has not been an energy crisis for months. We are

1 selling our energy pennies on the dollar while we,
2 the residents of California, are paying through,
3 you know, are paying a lot of money for that
4 energy. So I just want to remind everybody, don't
5 believe a word you hear about we need power
6 plants. We don't. As of now, we don't.

7 Number two. I would like to ask that
8 the Commission members, the Hearing Officers and
9 the staff become acquainted with the problems that
10 we have in Tracy.

11 As I mentioned before, we have at least
12 five power plants that are going to be surrounding
13 us in Tracy, including this one. We have two
14 Superfunds that are also in our neighborhood, the
15 Tracy Depot Center and we have Site 300.

16 We also have the tire fire that happened
17 about two years ago, which is still, you know,
18 emitting pollutants out of there.

19 So, we, in Tracy, really feel besieged
20 by all this pollution that has come into our
21 neighborhood. And I think it's important that you
22 understand where some of us are coming from.

23 PRESIDING MEMBER LAURIE: I assure you
24 that --

25 MS. AGUIRRE: Okay, number --

1 PRESIDING MEMBER LAURIE: -- I --

2 MS. AGUIRRE: -- okay, number four.

3 PRESIDING MEMBER LAURIE: Just a minute.

4 I will promise you that I will hold at least one
5 of my evidentiary hearings within the City of
6 Tracy to give everybody in Tracy an opportunity to
7 comment --

8 MS. AGUIRRE: Okay, thank you.

9 PRESIDING MEMBER LAURIE: -- without
10 coming into the County.

11 MS. AGUIRRE: Right. Number four,
12 intervenor status. For some of us who are not
13 companies and don't have millions of dollars, for
14 a lot of us who do not work for a nonprofits, who
15 have access to lawyers, the only way that we, as,
16 you know, nonpaid volunteers, can get the
17 information we need to understand what's going on
18 is to become an intervenor. That way it allows us
19 to read everything so that we can become educated
20 on the issue.

21 The next issue is I do have a concern
22 about the fact that the staff, the CEC Commission
23 and the applicant have had over four months to
24 know about, you know, what's in that application.
25 We have not had those four months of prior

1 information. So a lot of us feel that we're way
2 behind.

3 The next issue that I have is that we in
4 Tracy do not have an air quality monitoring system
5 in there. So whatever information you have about
6 air quality, it doesn't come from Tracy. It comes
7 from Stockton. It may come from, you know,
8 Livermore. It may come from Fresno. But, you
9 know, this is one of our concerns.

10 The cumulative impact, again to me a
11 cumulative impact means getting all of the
12 polluting areas around Tracy, as well as this
13 transported, you know, stuff that we get, putting
14 that into a report and let's take a look at it.

15 The issue of prevailing winds is, you
16 know, it's really a problem. I don't know, you
17 know, I have, you know, the health and welfare for
18 a lot of us who live in Tracy, as I said, you
19 know, I do not want to go to the emergency. I do
20 not want to die.

21 A lady in San Francisco died about three
22 months ago. She had an asthma attack, and the 911
23 lady did not understand what was going on, and
24 waited a long time. And by the time that this
25 lady got the help it was too late. There's a

1 whole lawsuit going on in San Francisco about
2 that. So, I mean I get very emotional involved in
3 this kind of thing.

4 The next thing that I'm concerned about
5 is that right here we don't have any access to
6 copies of the application. Okay, I'll go to the
7 public library in Tracy tomorrow and start reading
8 up on it. But what I'd really like to see is that
9 the Commission have intervenor status forms here
10 at the initial meetings so that those of us who
11 come can immediately fill them out, and that --

12 PRESIDING MEMBER LAURIE: Ms. Mendonca's
13 office is really very good at that and they --

14 MS. AGUIRRE: I know, I know --

15 PRESIDING MEMBER LAURIE: -- they
16 will --

17 MS. AGUIRRE: I mean I know that they
18 are, but it would make some of us, you know,
19 easier if we had them here.

20 And then, you know, the whole mitigation
21 issue. If this company thinks that by mitigation
22 for Alameda is going to help us, it's not. If
23 this company thinks that by mitigation through the
24 San Joaquin pollution district is going to help
25 us, it is not. They have to concentrate on San

1 Joaquin County, which is different from the San
2 Joaquin air pollution valley. Okay, that's two
3 different things.

4 And I just, you know, would like to
5 thank you for listening. Thank you very much.

6 PRESIDING MEMBER LAURIE: Thank you, Ms.
7 Aguirre. I'm looking forward to your
8 participation.

9 MS. AGUIRRE: Okay.

10 PRESIDING MEMBER LAURIE: Starting then
11 in the back of the room. Anybody desire to
12 question or comment? Last row, next to last row,
13 third row from the back, fourth row from the back.
14 Anybody else desire to offer public comment? Yes,
15 sir, please. If we can get your name, sir.

16 MR. NOLA: My name is Jerry Nola. I own
17 property approximately a half a mile north of the
18 site on Midway. I would like to ask Mr. Busa --
19 Busa, you never addressed the noise level in the
20 whole conversation, and you're talking about these
21 turbines. And could you tell me something about
22 what the noise level would be once this thing
23 would be up and running?

24 MR. BUSA: Actually noise is a big
25 concern of the Commission and in the application

1 for certification we had to do noise profiling and
2 noise studies for the project.

3 Just the number that comes to mind
4 without getting one of our specialists up here, I
5 know we looked at the nearest noise receptor,
6 which is the nearest residence that I pointed out
7 on the bus trip.

8 The noise there would be at 41 decibels,
9 which is actually a significantly lower number
10 than a number of other power plant projects that
11 the Commission is looking at right now, or has
12 looked at recently.

13 Due to the design of the project and the
14 distance to the nearest neighbors the noise
15 impacts are looked at to be nonexistent on this
16 project.

17 MR. NOLA: Well, you're saying 41. But
18 what's that in relation to living say in a
19 residential area? How does that compare? Give me
20 some kind of a --

21 MR. BUSA: Right. Just a couple
22 examples. I believe 40 decibels is typically what
23 they would say you would hear in a library, so
24 it's right at the library sound. You would almost
25 not be able to hear anything but a muffled noise

1 at the distance to the nearest residence.

2 So, it's actually a very quiet plant,
3 once you, you know, move away from the equipment,
4 itself.

5 PRESIDING MEMBER LAURIE: Let me ask a
6 question here, Mr. Caswell. Will any of your
7 workshops include a discussion of noise?

8 MR. CASWELL: Yes, it will.

9 PRESIDING MEMBER LAURIE: Sir, noise is
10 a very special concern of the Commission always.
11 We understand that neighbors are affected by a
12 couple really important things. How it affects
13 their view when they look out their own windows.
14 How it affects smell as they go through their back
15 door. And how it affects the noise in the
16 community.

17 There has been -- a noise study is part
18 of the application. Staff will be doing their own
19 analysis and they will be holding a special
20 workshop specifically on that question. And it
21 will deal primarily with how it affects immediate
22 neighbors, such as you, specifically, yourself.

23 If it is determined that the noise
24 levels surpass legal limits, and there are special
25 legal limits that protect you, then the law will

1 require mitigation measures and that will be
2 discussed with you.

3 So, all I can tell you tonight is that
4 noise is one of those issues that I'm very
5 sensitive to as it affects immediate neighbors.
6 You have a right not to have your life disrupted
7 by somebody else's project. And that includes
8 noise issues.

9 So, we will continue this discussion
10 throughout the process. And I appreciate you
11 noting that concern at this time.

12 Did you have any other specific
13 questions?

14 MR. NOLA: Just one more question. On
15 these pollution credits that you're talking about,
16 how many are you talking about to buy? I mean,
17 why can't you meet the -- without buying the
18 credits, why can't your facility produce less
19 pollutants so you wouldn't have to buy these
20 pollutants?

21 MR. BUSA: Actually, the pollution
22 credits are required by law, by federal law. We
23 actually have to buy these credits through a
24 program that's sponsored by the EPA.

25 MR. NOLA: You mean you have to have a

1 certain amount of pollutant credits automatically?

2 (Parties speaking simultaneously.)

3 MR. NOLA: Is that what you're saying?

4 MR. BUSA: Yes. There's a requirement
5 to offset a new source of pollution by buying
6 pollution credits, and it's a federal law that
7 we're complying with for that.

8 MR. NOLA: In theory if you made no
9 pollutants then you wouldn't have to buy any, is
10 that correct?

11 MR. BUSA: That's correct.

12 MR. NOLA: Okay. I mean I was trying to
13 get something clear in my head. As far as the
14 amount, the level, I mean where are you with the
15 level of the amount that you would have to buy?

16 MR. BUSA: I guess a couple things.
17 First of all, I want to point out again this is a
18 natural gas fired power plant. And one of the
19 things that I like to point out to people is
20 driving up over the Altamont Pass going to the
21 site a week ago, and I see a UPS truck. On the
22 back of it it said, "this vehicle powered by clean
23 natural gas." They were promoting the idea that
24 we were using natural gas to power a vehicle with.

25 It's the same type of natural gas that's

1 used in this vehicle that we wish we could all get
2 to. Same thing as burning natural gas in the
3 stove at your house, or in your furnace.

4 On top of that we actually have to put
5 on control equipment above and beyond what you
6 would be required with in your own furnace at your
7 house, as far as controlling that.

8 So the amount of emissions coming from a
9 natural gas fired power plant, while there's a lot
10 of mass there, it's just a very low, clean burning
11 fuel, when you compare it to any of the other
12 fossil fuels out there.

13 So, just to get that perspective, that's
14 what we're talking about. We're not talking about
15 burning oil or coal, and then on top of that we
16 are talking about having catalytic converter type
17 of equipment is actually put on the project to
18 reduce the emissions down to what they consider
19 the best available control technology for the
20 project.

21 So, --

22 MR. NOLA: All right. The one other
23 thing that went back through my mind was the 5000
24 acrefoot of water that you would be using a year.

25 I kind of got lost on where's this water

1 go, the 5000 acrefeet?

2 MR. BUSA: Eventually it's all
3 evaporated off.

4 MR. NOLA: So it's not like you send it
5 down --

6 MR. BUSA: It's cycled through the
7 process.

8 MR. NOLA: -- the creek after?

9 MR. BUSA: That's correct.

10 MR. NOLA: You do not?

11 MR. BUSA: We do not discharge any water
12 from the --

13 MR. NOLA: It basically evaporates?

14 MR. BUSA: Yes, it does evaporate.

15 MR. NOLA: Okay.

16 PRESIDING MEMBER LAURIE: On the
17 question of emission reduction credits, very good
18 issue. All power plants need to go out and buy
19 emission reduction credits. In fact, it's going
20 to be an issue in the future because emission
21 reduction credits are quickly becoming literally
22 unavailable.

23 And thus, in the future, it will inhibit
24 the ability to build power plants, because you
25 will not be able to find any emission reduction

1 credits.

2 This is kind of true today, it's not our
3 business what they're paying for it, but I
4 guarantee you what they're paying for it today is
5 a lot more than folks were paying for it three or
6 four years ago. And at some point it's going to
7 become prohibitive. But it's a good issue.

8 Yes, ma'am.

9 MS. SUNDBERG: Commission and other
10 members of staff. I'm really pleased to be here.
11 My name is Irene Sundberg. I'm a resident of
12 Tracy. And I'm glad to hear that we will be
13 having meetings in Tracy. We, as a community, do
14 need to be recognized.

15 I also have concerns about the air
16 quality, as I also have asthma and so do members
17 of my family.

18 The water being provided for this
19 project I understand is under great scrutiny, and
20 probably should be, because I understand that it's
21 part of the water injection system that Kern
22 County is proud to have developed in the last few
23 years.

24 But water is always of the essence in
25 California for all of our ag users, and we need

1 to, you know, be conscious of what's happening
2 there.

3 I am curious as to what type of
4 mitigation you're going to be bringing to the City
5 of Tracy and San Joaquin County, as the fact that
6 we know that through mitigation is the only way
7 that we will get access to getting PM10 credits.
8 And getting our cars off the roads so that we
9 won't be causing this type of problem. And you
10 can help us do that.

11 We also need an air monitoring station.
12 After having been up in Tesla today I can't think
13 of anyplace else in California that needs an air
14 monitoring station any worse than we do, up in the
15 hills. So that we know what's coming through our
16 hills. And so that our farmers and our children
17 and our future Californians know what they have to
18 live with. It's only fair that you bring with you
19 part of that mitigation as being an air monitoring
20 station.

21 I know that you won't be buying credits
22 from San Joaquin County, so my concern is that
23 you'll go back to Kern County, who has obviously
24 had their fair share of turmoil, and their PM10
25 credits are for sale. But I also know of other

1 projects that have paid up to \$6.5 million for air
2 credits. So you need to realize that this does
3 happen.

4 And I want you to take into account when
5 you're doing the cumulative impacts, the impact
6 that our biomass plant and Owens Brockway Glass
7 has in conjunction with not only the three plants
8 that look like will be going online, but the five
9 plants that will be going online in Tracy that
10 we're being surrounded by.

11 And it's my understanding that in
12 putting in these power plants, yours in
13 particular, we still will not get off the grid any
14 of the old power plants. We're not going to be
15 able to close down a power plant by having this
16 situation. And if we can't close it down, then
17 what good is it doing us?

18 PRESIDING MEMBER LAURIE: Thank you.
19 Could I have your name again, please?

20 MS. SUNDBERG: Irene Sundberg.

21 PRESIDING MEMBER LAURIE: Thank you.
22 Looking forward to your participation, ma'am.
23 Yes, sir.

24 MR. GABLE: I'm also from Tracy, and I'm
25 a resident. I've lived there quite awhile. We

1 have some --

2 PRESIDING MEMBER LAURIE: May we have
3 your name, please, sir?

4 MR. GABLE: Sure. My name's Ed Gable.
5 We do have some air quality issues, it's true. We
6 do see a lot of the pollution that comes over from
7 the Bay Area.

8 Occasionally it settles down in our part
9 of the bathtub. Occasionally the pollution that
10 we create within our own part of the bathtub gets
11 sent down to deeper end to the valley, and we
12 understand that.

13 I have to disagree as to whether or not
14 we are in a power crisis. I like to look ahead.
15 I like to think that the amount of people that are
16 flooding into this area, they're going to need
17 some type of infrastructure, and we need to power
18 that with something. At this point in time, this
19 is probably the best thing that we have going.

20 You know, there's always going to be
21 this "not in my backyard" syndrome. And I got to
22 tell you that, you know, I have some concerns, and
23 I know the residents have some concerns, because
24 I'm one of them.

25 And I hope that your Commission takes

1 all that into consideration, but from what I know
2 about these power plants, I do know that they're
3 clean burning. I know that they displace non
4 clean burning power plants. I know that, if, in
5 fact, we have a power infrastructure within a
6 localized area we're able to bring more head of
7 household jobs that will help to alleviate
8 whatever smog that we get from cars, vehicles,
9 stuff like that.

10 I also have a question hopefully that
11 you will be able to get an answer to this in the
12 future. If you put in 6000 homes in the City of
13 Tracy, and they all fire up their lawnmowers on
14 Sunday, I'm sure that's going to affect the air
15 quality, too. And hopefully that will come out
16 further along, and the Commission look at it.

17 Thank you.

18 PRESIDING MEMBER LAURIE: Thank you,
19 sir. Ms. George, I will get to you after
20 everybody else has a chance.

21 Anybody else wish to comment at this
22 time? Okay. Ms. George, if you have a final
23 comment?

24 MS. GEORGE: Yeah, I just wanted --

25 PRESIDING MEMBER LAURIE: You have to

1 use a microphone.

2 MS. GEORGE: I just wanted to ask, I
3 think you made a statement that all power plants,
4 you have to have emissions credits, is that true
5 for solar and wind and --

6 PRESIDING MEMBER LAURIE: I'm sorry,
7 will you repeat your question again, please?

8 MS. GEORGE: I just heard you say that,
9 I think I heard you say that all power plants need
10 emissions credits, and I wanted to know whether
11 that included solar or wind.

12 PRESIDING MEMBER LAURIE: Well, only
13 through my experience, I have not participated in
14 any project before the Commission that has not had
15 to buy emission reduction credits.

16 Maybe there is --

17 MS. GEORGE: Including wind?

18 PRESIDING MEMBER LAURIE: -- is
19 certainly -- I beg your pardon?

20 MS. GEORGE: Including wind?

21 PRESIDING MEMBER LAURIE: Over the last
22 five years. At least none that I --

23 MS. GEORGE: There haven't been any wind
24 built in the last five years.

25 PRESIDING MEMBER LAURIE: Yes, ma'am, --

1 MS. GEORGE: As far as I know.

2 PRESIDING MEMBER LAURIE: -- there's
3 been 12,000 megawatts approved.

4 MS. GEORGE: So?

5 PRESIDING MEMBER LAURIE: So, my only
6 comment is that in my experience in the projects
7 that I've been directly involved in, every project
8 has required emission reduction credits. Could be
9 that as a Commissioner I voted on one of the other
10 20 or so projects that have been approved that
11 haven't required them, but I can't tell you which
12 projects those might have been.

13 Okay, thank you. Anybody else? Yes,
14 sir.

15 MR. CHUN: Good evening, Commissioner
16 Laurie. My name is Lance Chun, C-h-u-n. I just
17 wanted to comment that you were pretty vocal about
18 your kind of inflexibility towards schedule being
19 pushed back or not.

20 I notice that there's hardly anybody
21 here. I've been involved with the Tracy Peaker
22 Plant, and the first meeting I went to, the
23 informational hearing, there was hardly anybody.
24 I was appalled, I mean I thought Tracy people
25 didn't care about power plants being built.

1 But as the process moved along we had a
2 lot more people come in. And that was for a 169
3 megawatts power, a peaker plant. This is for 1100
4 all-year-round plant. I suspect there's going to
5 be at least 20, 30, 40, 50 times the amount of
6 people. And they will start to participate. And
7 then they're going to get really angry as to why
8 they weren't informed more before.

9 So I would highly urge you to be
10 flexible, or a little bit more flexible towards
11 your scheduling later on as we progress towards
12 the --

13 PRESIDING MEMBER LAURIE: Thank you.
14 Let me explain. The law requires me to keep this
15 schedule. The Legislature has had opportunities
16 to give us more time. They do not want to give us
17 more time.

18 So this schedule is as is required by
19 law. I will not violate that law. Others may
20 feel more flexible in that regard. I will do my
21 utmost to follow the law.

22 Now, I agree with you that when a
23 process first starts people are unaware. I agree
24 with you that people normally do not show up until
25 darn near the very last hearings because that's

1 when they start paying attention. I understand
2 that.

3 It is the Commission's responsibility;
4 Mr. Williams, working with Ms. Mendonca and staff,
5 to get the greatest public input as possible the
6 earlier the better.

7 But, yeah, I absolutely agree. I have
8 been sort of in this business for 25 years.
9 People show up at the last hearing even if a
10 project's been going on for two or three years.

11 So, I understand what you're saying. I
12 think it's my obligation to work with staff and
13 the Public Adviser to get notice out to the
14 greatest extent possible. And at the same time to
15 meet our legal obligations.

16 I respect and appreciate your comment.
17 I think it's absolutely correct.

18 MR. CHUN: Thank you.

19 PRESIDING MEMBER LAURIE: Thank you.

20 Ladies and gentlemen, I very much thank
21 you for your input tonight. We will get to know
22 each other very well over the next many months.
23 And I'm looking forward to that process.

24 Applicant, thank you. Staff, thank you.

25 Mr. Williams, -- ladies and gentlemen, before you

1 go, Mr. Williams what is the next step? Is it
2 public workshops? Who will they be hearing from
3 next? Staff?

4 HEARING OFFICER WILLIAMS: Yes. Yes.
5 Staff will be scheduling public workshops in the
6 community. Tracy folks, you will have an
7 opportunity to get involved, to talk with staff.
8 As Ms. Mendonca said, staff's workshops are less
9 formal than the Commissioner's meetings.

10 It's a roll-up-your-sleeves type of
11 environment. It's really where you have the
12 opportunity to get the nuts and bolts about what's
13 happening in all the technical areas. You can ask
14 all your questions, and you can do it in a very
15 informal environment.

16 Ms. Mendonca's office is always open for
17 you. If you have any questions, don't hesitate.
18 And I would concur that the best plan is to get on
19 board early, get involved early. And your
20 involvement early will help this process move
21 along quickly.

22 PRESIDING MEMBER LAURIE: Looking
23 forward to seeing you all later. Thank you very
24 much.

25 (Whereupon, at 7:30 p.m., the hearing
was concluded.)

CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Hearing; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of February, 2002.

VALORIE PHILLIPS

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